

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

93-252

Before The
Federal Communications Commission
Washington, D.C. 20554

In Re:

Bell Atlantic Mobile Systems, Inc.

Petition For Special Relief
Concerning Enhanced Specialized
Mobile Radio Applications And
Authorizations

To: The Commission

RECEIVED
FEB 2 '94
FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE
SECRETARY

REPLY TO OPPOSITION

Stuart F. Feldstein
Richard Rubin
Steven N. Teplitz

Fleischman and Walsh
1400 Sixteenth Street, N.W.
Washington, D.C. 20036
(202) 939-7900

Counsel for
BELL ATLANTIC MOBILE SYSTEMS, INC.

Date: January 28, 1994

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY	ii
BACKGROUND	2
DISCUSSION	3
I. Nextel Wants To Misuse The Three Year Transition Period	3
II. Congress Never Intended To Apply The Three Year Transition Period To ESMR Service Providers	5
III. ESMR Service Is A New Service For Purposes Of The Regulatory Parity Provisions Of The Budget Act	8
IV. Equal Access Obligations Must Be Imposed On All CMS Providers, Including ESMR Service Providers	12
CONCLUSION	13

CERTIFICATE OF SERVICE

I, Patricia E. Edwards, hereby certify that on this 26th day of January 1994, I forwarded a copy of the foregoing OPPOSITION of Dial Page, Inc. by first-class mail, postage pre-paid, to the following:

Stuart F. Feldstein, Esq.
Fleishman & Walsh, P.C.
1400 16th Street, NW
Washington, DC 20036

James R. Young, Esq.
Bell Atlantic Network Services, Inc.
1710 H Street, NW, 8th Floor
Washington, DC 20006

Robert S. Foosaner, Esq.
Lawrence R. Krevor, Esq.
Nextel Communications, Inc.
601 13th Street, NW, Suite 1110 S
Washington, DC 20005

Leonard J. Kennedy, Esq.
Laura H. Phillips, Esq.
Dow, Lohnes & Albertson
1255 23rd Street, NW
Washington, DC 20037

The Honorable Reed E. Hundt *
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

The Honorable James H. Quello *
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

The Honorable Ervin S. Duggan *
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

The Honorable Andrew C. Barrett *
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

Renee Licht, Esq. *
Special Assist. to the Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Brian F. Fontes *
Senior Advisor to C. Quello
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

Byron F. Marchant, Esq. *
Senior Legal Advisor to C. Barrett
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

Kathleen Levitz, Acting Chief *
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

Ralph A. Haller *
Chief, Private Radio Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

Beverly G. Baker, Deputy Chief *
Private Radio Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

Rosalind K. Allen, Chief, Rules Branch *
Federal Communications Commission
2025 M Street, NW, Room 5202
Washington, DC 20554

SUMMARY

In order to ensure competitive parity with existing and new mobile communication providers, Bell Atlantic Mobile Systems, Inc. ("BAMS") filed a Petition for Special Relief urging the Commission to immediately classify enhanced specialized mobile radio ("ESMR") service as commercial mobile service ("CMS"). BAMS' Petition also demonstrated that ESMR service providers fail to qualify for the three year regulatory transition period afforded to certain private land mobile services being reclassified as CMS because ESMR service was not being offered as of the required date, August 10, 1993. Finally, BAMS urged the Commission to ensure that ESMR service providers offer equal access to all interexchange carriers. Equal access provisions would place ESMR providers in competitive parity with existing BOC cellular affiliates who currently face such requirements.

In response, Nextel Communications, Inc. ("Nextel") admits that ESMR service should be reclassified as CMS, but incorrectly argues that legislative intent and prior Commission treatment of ESMR service qualifies it for the three year transition period. In reaching this conclusion, Nextel ignores the plain language of the Budget Act, overlooks obvious and material differences between ESMR networks and SMR facilities, and twists Congressional intent beyond recognition. Despite Nextel's best effort to create something from nothing, there is no evidence whatsoever that Congress contemplated applying the three year transition period to ESMR service.

Indeed, Nextel attempts to shift the focus away from the

merits by launching a series of unwarranted and groundless accusations imputing the motive of BAMS. In fact, Nextel's pleading is little more than an attempt to gain three more years to engage in price discrimination and to cream skim the marketplace.

Nextel also takes issue with BAMS' call for the imposition of equal access obligations on ESMR networks. As BAMS has consistently stated, regulatory parity requires a level playing field. The imposition of equal access obligations on only some CMS providers is inconsistent with this objective. As long as equal access obligations continue to be imposed on BAMS and other BOC-affiliated CMS providers, fairness dictates that all other CMS providers, including ESMR providers, be subject to the same requirements.

merits by launching a series of unwarranted and groundless accusations imputing the motive of BAMS. In fact, Nextel's pleading is little more than an attempt to gain three more years to engage in price discrimination and to cream skim the marketplace.

Nextel also takes issue with BAMS' call for the imposition of equal access obligations on ESMR networks. As BAMS has consistently stated, regulatory parity requires a level playing field. The imposition of equal access obligations on only some CMS providers is inconsistent with this objective. As long as equal access obligations continue to be imposed on BAMS and other BOC-affiliated CMS providers, fairness dictates that all other CMS providers, including ESMR providers, be subject to the same requirements.

Before The
Federal Communications Commission
Washington, D.C. 20554

In Re:)
)
Bell Atlantic Mobile Systems, Inc.)
)
Petition For Special Relief)
Concerning Enhanced Specialized)
Mobile Radio Applications And)
Authorizations)

To: The Commission

REPLY TO OPPOSITION

Bell Atlantic Mobile Systems, Inc. ("BAMS"), by its attorneys, herein replies to the Opposition filed by Nextel Communications, Inc. ("Nextel") on January 13, 1994, in connection with the Petition for Special Relief Concerning Enhanced Specialized Mobile Radio Applications and Authorizations (the "Petition") filed by BAMS on December 22, 1993.¹ As discussed below, the portion of Nextel's Opposition that actually addresses the issues raised in the Petition is factually and legally incorrect. The remainder of Nextel's pleading, which raises extraneous issues relating to interconnection with certain of BAMS' affiliates, is not relevant to the Petition.

¹On January 27, 1994, only one day before the due date for the instant Reply to Opposition, counsel for BAMS received a copy from Dial Page, Inc. of its extremely late-filed (January 25, 1994) Opposition to the Petition. BAMS will reply to the Dial Page filing separately if it deems a reply to be necessary.

BACKGROUND

In its Petition, BAMS requested two specific types of relief in order to create a level regulatory playing field.² First, ESMR service should immediately be classified as a commercial mobile service ("CMS"), without the benefit of the three year transition period extended to preexisting private mobile services in the Omnibus Budget Reconciliation Act of 1993 ("Budget Act").³ ESMR service fails to qualify for the three year transition period because it was not being offered as of the required date, August 10, 1993.⁴ Second, BAMS urged that ESMR service providers should be required to offer equal access to all interexchange carriers on the basis of the proposed rules or conditions attached to the Petition as Exhibit A.⁵

In its Opposition, Nextel admits that ESMR service should be reclassified as CMS but claims that legislative intent and prior Commission treatment of ESMR service qualifies it for the three

²Nextel's contrived accusations that BAMS' Petition was motivated by anticompetitive considerations are unsupported and wholly without merit. See Nextel Opposition at 24-26.

³Pub. L. No. 103-66, Title VI, §6002, 107 Stat. 312, 392 (1993). Section 6002(b)(2)(A) amends Sections 3(n) and 332 of the Communications Act of 1934, as amended, (the "Act") to create a comprehensive framework for the regulation of mobile radio services.

⁴See BAMS Petition at 1, 4-5.

⁵Alternatively, BAMS petitioned the Commission to defer action on all pending and future applications for new or modified ESMR systems, or to condition such applications on the completion of the Commercial Mobile Services ("CMS") rulemaking in Gen Docket No. 93-252, and to consider therein the relief set forth above. See Notice of Proposed Rulemaking in GN Docket 93-252 (released Oct. 8, 1993) ("Notice").

year transition period. In addition, Nextel takes issue with BAMS' call for the imposition of equal access obligations on ESMR networks.⁶

DISCUSSION

I. Nextel Wants To Misuse The Three Year Transition Period

Nextel wants a competitive advantage over cellular, and it wants to hide behind the three year transition to do it. For the next three years, Nextel wants to enjoy the good parts of both regimes and the burdens of neither. This is obvious from Nextel's pleading.

Nextel readily accepts that ESMR service should be classified as CMS, yet strenuously objects to the application of the CMS regulatory structure at the same time as other CMS providers. Why is that? Common carriage as proposed for CMS is hardly burdensome; no tariffs, preempted state regulation, expanded interconnection rights. Nextel even goes on at some length about how difficult it finds its current status as a private mobile carrier.⁷ So what

⁶Nextel also complains that the filing of the Petition was motivated by political and anticompetitive considerations on the part of BAMS and its landline affiliate. Nextel Opposition at 24-30. This complaint is long on emotion and wholly lacking in merit and relevance. BAMS has clearly explained that its motivation is the establishment of a level regulatory playing field. BAMS will not dignify Nextel's aspersions by responding further. Nextel also raises a matter concerning interconnection of its ESMR networks with Bell Atlantic Network Services, Inc., an affiliate of BAMS. This matter has nothing to do with BAMS or the issues raised in the Petition. As a result, it will not be addressed herein.

⁷Nextel Opposition at n.24.

does Nextel hope to gain from the three year transition? The most plausible answer is that Nextel wants three years before it must apply just, reasonable, and nondiscriminatory rates, as cellular and other CMS common carriers must.⁸ In other words, the only reasonable conclusion is that Nextel wants the three year transition period for price discrimination and to cream skim the marketplace. Nextel virtually admits as much by stating that its "existing [subscriber] contracts may not comply with the obligations of a common carrier pursuant to Sections 201 and 202 of the Act."⁹ And neither will new contracts for the next three years, as Nextel cherry-picks the cellular industry's best customers with discriminatory pricing.

But Nextel nonetheless finds it convenient to claim all the rights of a common carrier. It seems to demand immediately (or perhaps even retroactively) the rights of a CMS provider to full co-carrier interconnection with the landline network.¹⁰ Nextel cannot have it both ways. BAMS' request merely seeks equality by applying CMS regulations to all eligible carriers at the same time.

⁸Congress has authorized the Commission "to promulgate regulations exempting ... commercial mobile services from regulation under any provision of Title II other than Section 201, 202, and 208." See Notice at ¶49.

⁹Nextel Opposition at n.22.

¹⁰See Nextel Opposition at 27-30; see also id. at n.4.

II. Congress Never Intended To Apply The Three Year Transition Period To ESMR Service Providers

As BAMS discussed in its Petition, and Nextel readily acknowledges, ESMR operations should be classified as CMS under the Budget Act.¹¹ BAMS' Petition also demonstrated that ESMR service providers fail to qualify for the three year regulatory transition period afforded to certain private land mobile services being reclassified as CMS because ESMR service was not being offered as of the required date, August 10, 1993.¹² However, Nextel contends that Congress intended to make ESMR providers eligible for this three year transition period.

It is uncontroverted that if a service to be reclassified as CMS was not being provided by August 10, 1993, it is not afforded the three year transition period. It is also uncontroverted that ESMR service is to be reclassified as CMS. Finally, it is uncontroverted that ESMR service was not being provided as of the required date.¹³ Stripped of its false premise - that SMR service and ESMR service are the same - Nextel's argument that the three year transition period applies to ESMR service falls of its own weight.

This result is required by the plain language of the Budget Act, which states: "any private land mobile service provided by any

¹¹See BAMS Petition at 1. See also Nextel Opposition at 11 ("Nextel has never disputed that its ESMR operations should be reclassified as commercial mobile service....").

¹²BAMS Petition at 1, 4-5.

¹³At no point in its Opposition does Nextel claim that ESMR service was being provided prior to August 10, 1993.

person before such date of enactment ... [shall] be treated as a private mobile service until 3 years after such date of enactment."¹⁴ Conversely, a private land mobile service provided after the date of enactment (such as ESMR service) is ineligible for such treatment. The Commission has already taken this position in Gen. Docket No. 93-252: "Specifically, private licensees providing service prior to August 10, 1993 . . . will continue to be treated as private mobile service providers for three years after the date of enactment. Budget Act, §6002(c)(2)(B)."¹⁵

Ignoring both the plain language of the statute and the Commission's position, Nextel nonetheless argues that the three year transition period is applicable to ESMR service.¹⁶ Looking to the legislative history of the Budget Act to support its position, the best that Nextel can do is to quote comments made just prior to passage of the Budget Act by Congressman Edward Markey (D-MA), Chairman of the House Telecommunications Subcommittee.¹⁷ However, a review of this quote reveals that it actually supports the Budget Act language and the Commission's position that the three year transition period is restricted to those private land mobile radio services that were actually being provided at the time the Budget Act was enacted. Chairman Markey stated:

¹⁴Pub. L. No. 103-66, Title VI, §6002(c)(2)(B) (emphasis added).

¹⁵Notice at n.3 (emphasis added).

¹⁶See Nextel Opposition at 11-17.

¹⁷See Id. at 16-17 (quoting Congressional Record, H6163, August 5, 1993).

I want to clarify that subsection (c)(2) of Section 6002, relating to effective dates, provides a 3 year period during which current providers of private land mobile service will continue to be treated in the same manner.¹⁸

At the time of Mr. Markey's statement, a mere five days before passage of the Budget Act, Nextel was providing SMR service only -- no hand-off capability, switching capability or frequency reuse. In short, while SMR service was available at this time, no ESMR service was being "currently" provided. Thus, the Chairman's remarks offer no support for Nextel's desire to apply the three year transition period to its ESMR services.

In fact, the record is completely devoid of any evidence that Congress ever contemplated applying the three year transition period to ESMR service. This becomes painfully obvious in reviewing Nextel's tortured discussion of the Budget Act's legislative history wherein it cites to references which discuss only traditional SMR services.¹⁹ Throughout its Opposition, Nextel

¹⁸See Congressional Record, H6163, August 5, 1993 (emphasis added). In using this quote, Nextel emphasized the words "private land mobile service" and asserts that "Nextel is unquestionably a current provider of private land mobile service whose regulatory status will be changed by the Budget Act." To the extent Nextel is referring to its SMR operations, and seeks the three year transition period for SMR service, BAMS offers no opinion. See Nextel Opposition at 17.

¹⁹See Nextel Opposition at 11; See H.R. Rep. No. 103-111, 103rd Cong., 1st Sess. at 260 ("House Report"), citing, Amendment of Part 90, Subparts M and S, Report and Order, 3 FCC Rcd 1838 (1988), aff'd 4 FCC Rcd 356 (1988) ("Report and Order"). Nextel fails to mention that the Commission's 1988 Report and Order, which established a comprehensive regulatory framework for SMR service, refers to traditional SMR only. It is difficult to imagine how Nextel could, in good faith, equate the SMR services available in 1988 with ESMR services available today.

freely substitutes the terms ESMR and SMR as if they were the same service. Since this is an incorrect assumption for purposes of regulatory parity, it completely vitiates Nextel's argument that Congress intended for the three year transition period to apply to ESMR service. The Commission must not allow Nextel to obscure the crucial fact that actual provision of service is the relevant factor which triggers the three year transition period, and that ESMR service was not being provided as of the required date.

III. ESMR Service Is A New Service For Purposes Of The Regulatory Parity Provisions Of The Budget Act

In the Petition, BAMS discusses the material and obvious differences between ESMR networks and SMR facilities. It is absurd to claim, as Nextel does, that SMR service and ESMR service are the same.²⁰ An ESMR network consists of multiple low power base stations operated through a centralized switching facility employing frequency reuse and providing seamless "hand-off" of communications on mobile units moving throughout a wide service area defined by the outer boundaries of the service contours of the base stations.²¹ In stark contrast, SMR facilities traditionally involve a single high power transmitter with a service area circumscribed by its 40 dBu contour. An SMR system lacks the

²⁰See Nextel Opposition at 7-10. This assertion is contradicted by Nextel's own statement describing ESMR networks as being considerably more than an aggregation of SMR facilities. See Fleet Call, Inc., Petition for Waiver and Other Relief (filed April 5, 1990) at 16.

²¹See Fleet Call, Inc., Petition for Waiver and Other Relief (filed April 5, 1990) at 16.

capacity, geographic service area, frequency reuse capability, "hand-off" capability and switching facilities that are distinguishing features of an ESMR network. In sum, SMR systems are materially different from ESMR networks as to just about every significant feature: facilities, scope and capabilities.

Nextel states that "the purpose of the [regulatory parity] amendment is to ensure that functionally equivalent mobile services are subject to similar regulation."²² BAMS agrees.²³ While the specific test for functional equivalency in the context of regulatory parity will be decided in Gen Docket 93-252, it is clear that functional equivalence implies a significant level of competitiveness. In fact, in discussing the Conference Report, the Commission noted that it:

could determine that an interconnected service offered to the public is not 'functionally equivalent' if it does not employ frequency reuse (or similar means of augmenting channel capacity) and does not provide service throughout a standard metropolitan statistical area or 'similar wide geographic area.'²⁴

Using this criteria, an SMR facility can hardly be said to be the same thing as an ESMR network.²⁵

²²Nextel Opposition at 11.

²³Although Nextel felt compelled to cast aspersions regarding the motivation and timing of BAMS' Petition, the truth is that BAMS has consistently supported the procompetitive goals underlying the Budget Act's regulatory parity provisions.

²⁴Notice at ¶28.

²⁵Customer perception is also an important consideration. In the Notice in Gen Docket 93-252, the Commission recognized that it has "previously used a functional equivalency test to determine whether a common carrier" had engaged in unreasonable
(continued...)

Nextel has made many public statements touting the expected competitiveness of its ESMR networks with cellular systems.²⁶ Nextel has also publicly stated that "it essentially will use [its] digital cellular network to provide personal communications services",²⁷ and "[w]e have all the characteristics of PCS, but in the 800 MHz band."²⁸ Finally, Nextel's ESMR operations are

²⁵(...continued)
discrimination, and invited comment on whether its "existing functional equivalency test would be appropriate for determining whether a mobile service is the functional equivalent of a commercial mobile service." See Notice at ¶33. The Commission described its existing test as follows:

[T]he test for likeness focuses on whether services are different in any material respect. [fn. omitted.] The test requires the Commission to examine both the nature of the services and customer perception of the functional equivalency of those services. [fn. omitted.] Customer perception is the linchpin of this test. [fn. omitted.]

Id. BAMS respectfully submits that a "customer" would not perceive SMR service to be functionally equivalent with either ESMR or cellular service. On the other hand, Nextel freely states that "ESMR operations should be reclassified as commercial mobile services under the Budget Act's 'functionally equivalent' regulatory classification standards." Nextel Opposition at 11.

²⁶See e.g., "Digital Stirs Into The Cellular Stew; Technology: New Mobile Systems Will Handle More Calls And Claim To Have Better Sound. But Phones Are Incompatible," Los Angeles Times, Business Section, p.1 November 26, 1993; "Dark Horse Nextel Looks For A Winning Line - A Look At A Company Making An Impact In The US Cellular Telephone Sector," Financial Times, November 12, 1993; Fleet Call, Inc., Form S-1, filed at the Securities and Exchange Commission on October 18, 1991 at 7 (Nextel "will compete with established cellular operators in its efforts to attract mobile telephone customers, dealers and resellers in each of the markets in which [it] will operate a Digital Network.")

²⁷A. Lindstrom, Nextel Introduces First U.S. Digital Network Based On GSM, Communications Week at 47, October 4, 1993.

²⁸Reply Comments of Fleet Call in GEN Docket No. 90-314, Notice of Proposed Rulemaking (filed Jan. 8, 1993) at 6.

nationwide in scope, with over 70 percent of the nation's population within range of its ESMR transmitters.²⁹ Nextel surely would not make such claims on behalf of traditional SMR service. Moreover, recent transactions involving hundreds of millions of dollars in which Nextel has acquired huge amounts of spectrum for its ESMR networks clearly demonstrate that Nextel's ESMR service is not the same as SMR service.³⁰

In view of the material differences between SMR and ESMR, the only reasonable conclusion is that they are not the same service for purposes of regulatory parity. Instead of disputing the existence of such differences or their materiality, Nextel attempts to preempt all discussion of this issue by claiming that the Commission has already determined that ESMR service and SMR service are the same service.³¹ In purported support, Nextel quotes from the Commission's 1991 decision that authorized Nextel's ESMR

²⁹"Look Ma! No Wires!" by A. Kupfer, Fortune Magazine at 147 (domestic edition, December 13, 1993). See also L. Helms, Los Angeles Times, December 5, 1993 at D1, col 2 ("Nextel [has] accumulated enough radio frequencies to cover a potential customer base of 180 million people in a nation of some 250 million.").

³⁰Among Nextel's recent multi-million dollar transactions are the following: **Questar Telecommunications, Inc.** (Seattle, Portland, Phoenix, Las Vegas); **Dispatch Communications** (northeastern corridor, extending from Maine through Virginia); **American Mobile Systems** (throughout Florida); **Florida Transactions** (745 channels in major Florida cities); **PowerFone** (Michigan, Ohio, Western Pennsylvania, and New York); **CanCall** (Denver, Seattle, Portland, Oklahoma, Kansas); **AMK Communications** (Baltimore, Washington, DC); **Advanced Mobilcomm** (San Diego, Las Vegas, Denver); **Motorola** (2,500 channels in 21 states including virtually all of the nation's largest cities).

³¹Nextel Opposition at 5, 7-9.

networks under existing rules with certain waivers.³²

A review of the complete Fleet Call, Inc. decision reveals that Nextel has quoted the Commission materially out of context and conveniently broadened the significance of the quoted language. In Fleet Call, Inc., the fundamental issue addressed by the Commission was procedural in nature: whether the Commission should proceed by waiver or rulemaking.³³ Nextel has mistakenly equated the question of whether ESMR service is a new service for purposes of triggering the requirement of a rulemaking with the question of whether ESMR is a new service for purposes of regulatory parity. BAMS disagrees that regulatory parity determinations should be governed by the same considerations used by the Commission in determining whether it should proceed by rulemaking or rule waiver.

IV. Equal Access Obligations Must Be Imposed On All CMS Providers, Including ESMR Service Providers

Amidst its sound and fury, Nextel has lost contact with the basis for BAMS' urging that ESMR service providers should be required to offer equal access to all interexchange carriers. BAMS' point is quite simple. Regulatory parity requires a level regulatory playing field. The imposition of equal access obligations on only some CMS providers is inconsistent with this statutorily mandated policy. Therefore, as long as such obligations continue to be imposed on BAMS and other RBOC-

³²Nextel Opposition at 8-9 (citing Fleet Call, Inc., Memorandum Opinion and Order, 6 FCC Rcd 1533 (1991) ("Fleet Call, Inc.")).

³³See Fleet Call, Inc.

affiliated CMS providers, true regulatory parity requires that all other CMS providers also be required to offer equal access.

CONCLUSION

WHEREFORE, in view of the foregoing and the arguments made in the Petition, BAMS again urges the Commission to immediately (a) classify ESMR service as CMS within the meaning of Title VI of the Budget Act, without the benefit of the three year transition period extended to private mobile services being already being provided as of August 10, 1993; and (b) require ESMR service providers to offer equal access to all interexchange carriers on the basis of the proposed rules or conditions attached hereto. Alternatively, BAMS requests that the Commission defer action on all pending and future applications for new or modified ESMR systems, or to condition such

applications on the completion of the CMS rulemaking in GEN Docket
No. 93-252, and to consider therein the relief set forth above.

Respectfully submitted,

BELL ATLANTIC MOBILE
SYSTEMS, INC.

By:



Stuart F. Feldstein
Richard Rubin
Steven N. Teplitz

Its Attorneys

Fleischman and Walsh
1400 Sixteenth Street, N.W.
Washington, D.C. 20036
(202) 939-7900

January 28, 1994
13027

CERTIFICATE OF SERVICE

I, Robert S. Childress, a secretary at the law firm of Fleischman and Walsh, hereby certify that a copy of the foregoing "Reply to Opposition" was served this 28th day of January, 1994, via first class mail, postage prepaid, upon the following:

- * The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554
- * The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, D.C. 20554
- * The Honorable Ervin S. Duggan
Commissioner
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, D.C. 20554
- * The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, D.C. 20554
- * David H. Solomon, Esquire
Assistant General Counsel
Office of General Counsel
Federal Communications Commission
1919 M Street, NW, Room 614
Washington, D.C. 20554
- * Karen Brinkmann, Esquire
Special Assistant to the Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554

- * Renee Licht, Esquire
Special Assistant to the Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554
- * Brian F. Fontes
Senior Advisor to
Commissioner Quello
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, D.C. 20554
- * Byron F. Marchant, Esquire
Senior Legal Advisor
to Commissioner Barrett
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, D.C. 20554
- * Kathleen Levitz, Acting Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, D.C. 20554
- * Ralph A. Haller
Chief, Private Radio Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, D.C. 20554
- * Beverly G. Baker
Deputy Chief
Private Radio Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554
- * Rosalind K. Allen
Chief, Rules Branch
Private Radio Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, D.C. 20554
- * John Cimko, Jr.
Chief, Mobile Services Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 644
Washington, D.C. 20554

* Gerald P. Vaughn
Deputy Bureau Chief, Operations
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, D.C. 20554

Robert S. Foosaner
Lawrence R. Krevar
Nextel Communications, Inc.
601 15th Street, N.W.
Suite 1100 South
Washington, D.C. 20005

Leonard J. Kennedy
Laura H. Phillips
Dow, Lohnes and Albertson
1255 23rd Street, N.W.
Washington, D.C. 20037
Of Counsel to Nextel Communications, Inc.

Gerald S. McGowan
Terry J. Romine
Lukas McGowan Nace & Gutierrez, Chartered
1819 H Street, N.W.
7th Floor
Washington, DC 20006
Counsel for Dial Page, Inc.


Robert S. Childress

* Via Hand Delivery